

625-241

DAC #26

PTO/SB/64 (6-95)
Approved for use through 07/31/96. OMB 0611-031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b), 37 CFR 1.155(c) OR 37 CFR 1.316(c)**

Docket Number (Optional)

15 JUL
31 1996

First-named inventor: John B. Fenn, 4909 Cary St. Rd., Richmond, VA 23226

Application No.: 07/911,405

Group Art Unit: 2506

Filed: 07/10/92

Examiner: Nguyen, K

Title: A Composition of Matter of a Population of Multiply Charged Ions
Derived from a Polyatomic Parent Molecular Species

Attention: Office of Petitions

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to the Office action mailed on 07/10/95, which set a 3 month period for response. The abandonment date of this application is 10/11/95 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proposed response and/or issue fee
- (3) Verified statement that the abandonment was unintentional

1. Petition fee

- Small entity - fee \$ 625 (37 CFR 1.17(m))
 - Small entity statement enclosed herewith.
 - Small entity statement previously filed.
 - Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proposed response and/or fee

- A. The proposed response and/or fee to the above-noted Office action in the form of Response to Examiner's Amendment (identify type of response):
- has been filed previously on 10/10/95.
 - is enclosed herewith.

- B. The issue fee of \$ 625
- has been paid previously on 10/10/95 (\$605) & 01/22/96 (\$20)
 - is enclosed herewith.

Burden Hour Statement: This form is estimated to take 1 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

1-241

625-00-1

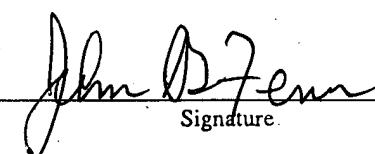
3. Verified statement

The delay caused by the abandonment of the application was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

07/30/96

Date



Signature

Telephone
Number: (804) 828-7511

John B. Fenn

Typed or printed name

4909 Cary St. Rd.

Address

Richmond, VA 23226

Enclosures: Response

Fee Payment

Small Entity Status Form

Final Drawings

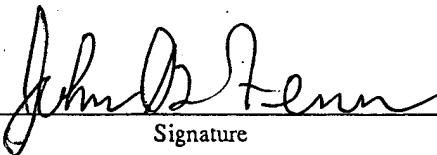
By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

07/30/96

Date



Signature

John B. Fenn

Typed or printed name of person signing Certificate



John B. Fenn
4909 Cary Street Road
Richmond, VA 23226
29 July 1995

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

In re Application of
JOHN B. FENN ET AL
Application No. 07/911,405
Filed: July 10, 1992

Petition under 37 CFR 1.137b to revive subject application on
the grounds that the apparent abandonment was unintentional.

On 7/10/95 the Examiner mailed the Applicant a Notice of Allowability of all claims along with a statement that an issue fee of \$605 would be due by 10/10/95. On that date petitioner mailed a Post Office Money Order in the amount of \$605 along with a response to the Examiner's Amendments to Claims that accompanied the notice of allowability.

Included in the Notice of Allowability was a statement that the drawings originally submitted with the application needed some modifications to become acceptable. On the basis of a series of telephone calls with various people at the Patent Office the Applicant had the impression that drawings of the parent application, of which the subject application is a continuation, could be transferred to the subject application if the Examiner so requested. Consequently, along with the issue fee and his response to the Examiner's amendments the Applicant asked the Examiner to request a transfer of the drawings, not realizing that such a transfer would be possible only if the parent application had been abandoned, which was not the case.

On 12/07/95 a Notice of Abandonment (copy attached) was mailed to the Applicant. The only cited basis for that notice was: "Applicant's failure to pay the issue fee within the statutory period of three months from the mailing date of 7/10/95 of the Notice of Allowance." In fact Applicant had paid the \$605 fee indicated on that Notice of Allowance on 1/10/95 but had neglected to return the Fee Transmittal Form with his payment so the payment was not credited toward the issue fee. He learned from a telephone enquiry that the fee had gone up to \$625 on 10/01/95 so he had not paid the fee in full and therefore had not fulfilled the requirement to pay the issue fee on time.

Because he had had no way of knowing about that increase, the Applicant filed on 01/22/96 a Petition for Revival of An Application for Patent Abandoned Unavoidably under 37 CFR 1.137 (a). In response he received a letter dated 04/18/96 from Petitions Examiner Frances Hicks saying that he had indeed paid the \$605 on time so that "the holding of abandonment as to petitioner's failure to timely pay the issue fee is improper." However, the Applicant had also failed "to timely submit corrected drawings on or before October 10, 1995 as required by

the Notice of Allowability mailed July 10, 1995. Accordingly, the date of abandonment of this application is October 11, 1995." Examiner Hicks kindly noted that Applicant could petition for revival of the application under 37 CFR 1,137 (b) on the grounds that abandonment was unintentional. Consequently, he herewith submits this Petition.

Applicant believes the record supports his contention that his apparent failure to pay the full amount of the issue fee was indeed unintentional. The Notice of Allowance said that the issue fee was \$605 and he paid that amount in timely fashion with his response on 10/10/95. That payment clearly indicates his intention to pay the correct amount. He was simply unaware that the fee had increased by \$20 after the Notice of Allowance had been mailed. Upon learning of that deficiency he paid the additional amount when he submitted a petition on 01/11/96 claiming that his failure to pay the full amount was unavoidable.

Applicant also believes the record shows that his failure to submit corrected drawings was also unintentional. He had been led to believe from his original inquiry to the Patent Office that drawings from the parent application could be made available for use in the subject continuation. In his response to the Examiner's Amendments to Claims that accompanied the Notice of Allowance he asked the Examiner to request a transfer of those drawings. Thus, when he received the Notice of Abandonment mailed to him on 12/07/95 and saw that the only cited reason for abandonment was failure to timely pay the required fee, he quite naturally assumed that all was in order with respect to the drawings. Thus his failure to supply those drawings in response to the Notice of Allowance, and when he petitioned for revival on 01/22/96, was clearly unintentional and not deliberate. He was not aware that he was still delinquent in supplying corrected drawings until he received the letter of 04/18/96 from Examiner Hicks. He has finally obtained a set of corrected drawings and they accompany this Petition.

In sum, the Applicant feels that on the record his actions reflect a continued intention in good faith to fulfill the requirements for issuance of a patent and that any failure to meet those requirements has indeed been entirely unintentional. Therefore, he earnestly requests that the application be revived.

Respectfully submitted,


John B. Fenn



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/911,405	07/10/92	FENN	J 840.004

75F1/1207

JOHN B. FENN
4909 CARY STREET ROAD
RICHMOND, VIRGINIA 23226

EXAMINER	
NGUYEN, K	
ART UNIT	PAPER NUMBER
2506	22

DATE MAILED:
12/07/95

NOTICE OF ABANDONMENT

This application is abandoned in view of:

1. Applicant's failure to respond to the Office letter, mailed _____.
2. Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3. Applicant's failure to timely file the response received _____ within the period set in the Office letter.
4. Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of 7-25-95 of the Notice of Allowance.
 The issue fee was received on _____.
 The issue fee has not been received in Allowed Files Branch as of _____.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17(l), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of Delgar Inc. v. Schuyler, 172 U.S.P.Q. 513.

5. Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by _____ as required in the last Office action.
 The corrected and/or substitute drawings were received on _____.
6. The reason(s) below.

DIRECT ANY INQUIRIES TO :
PUBLISHING DIVISION

MARCIA CAMPBELL

(703) 305-8190

OR

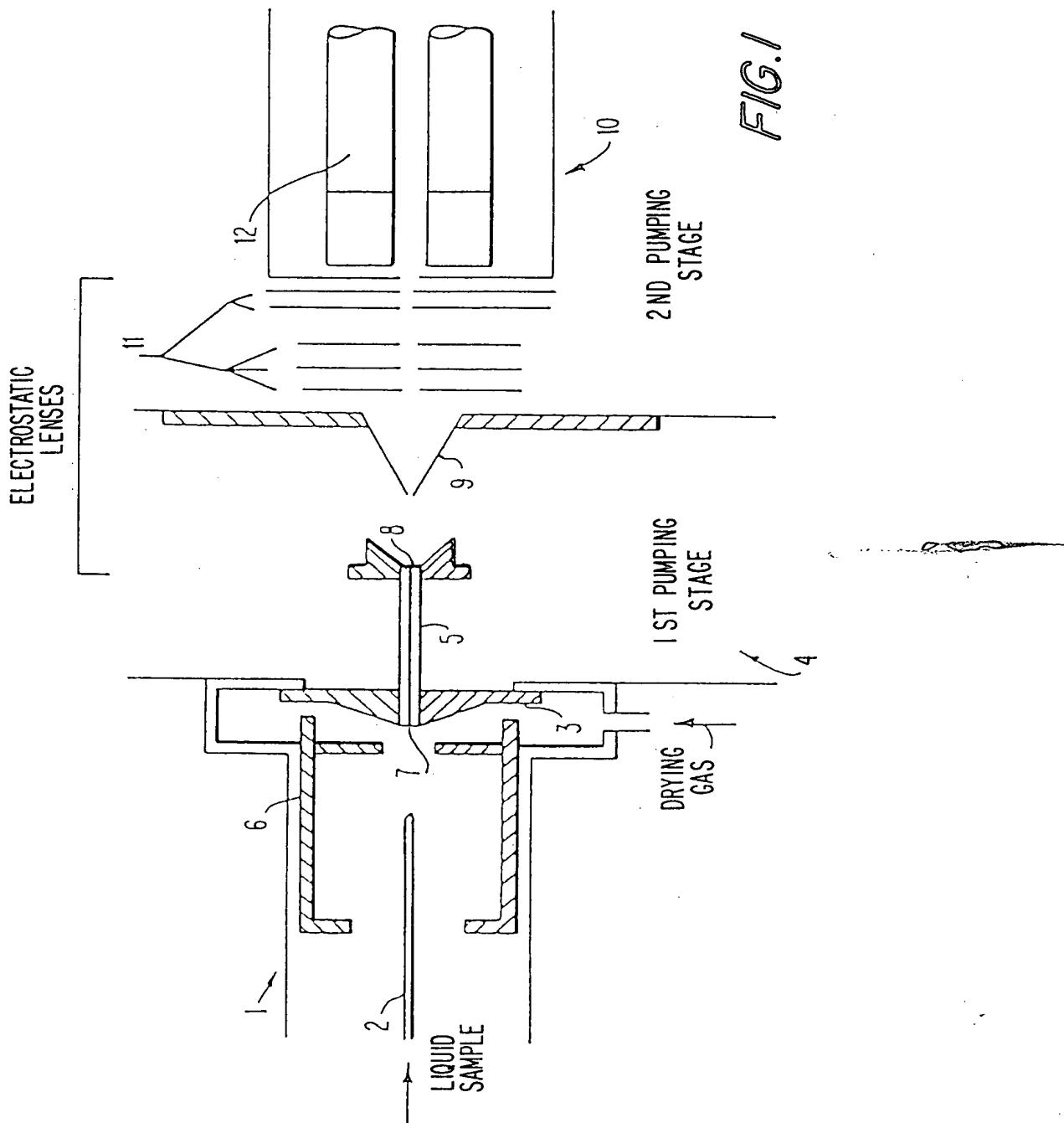
PRISCILLA FULLER

(703) 305-8203

07/9/11405

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2/19/1970

FIG. 2B

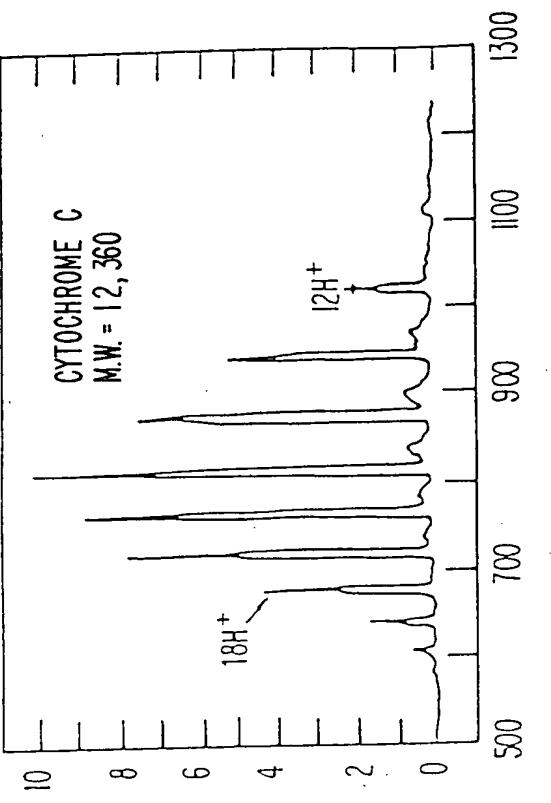


FIG. 2A

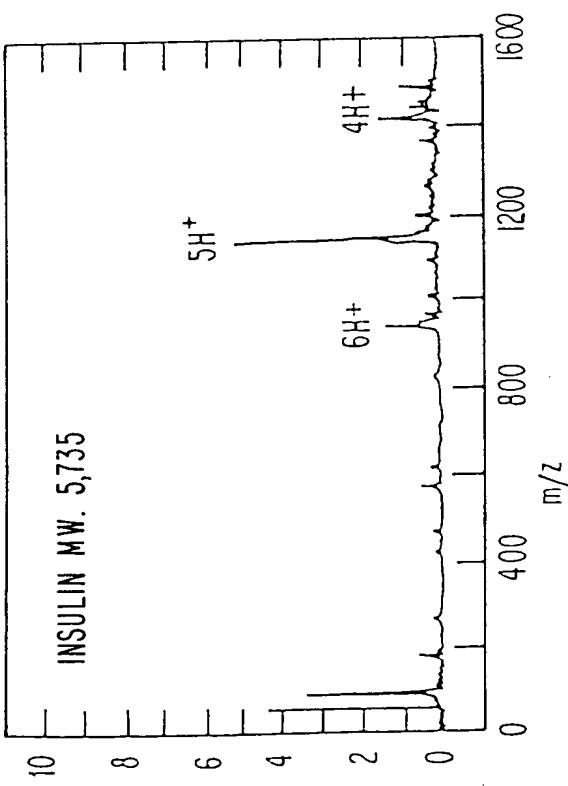


FIG. 2C

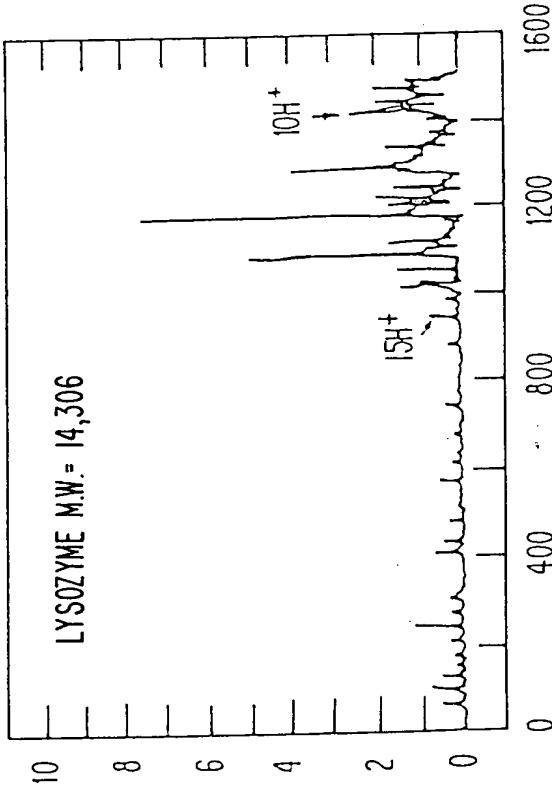
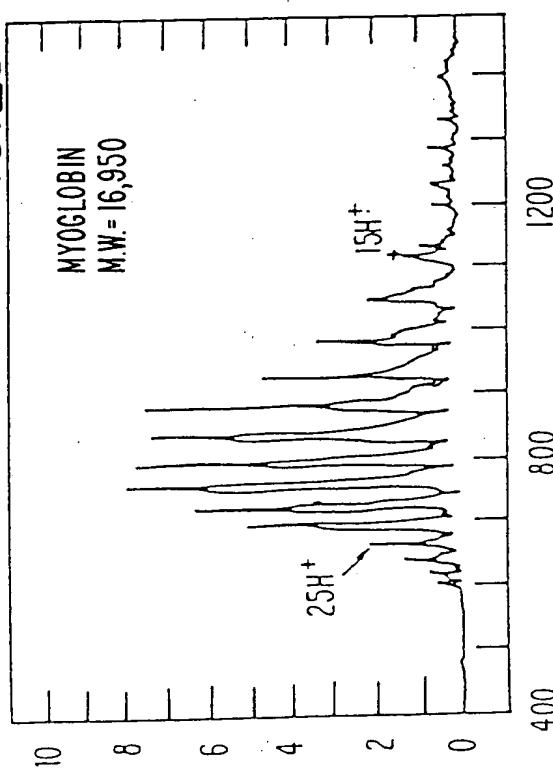
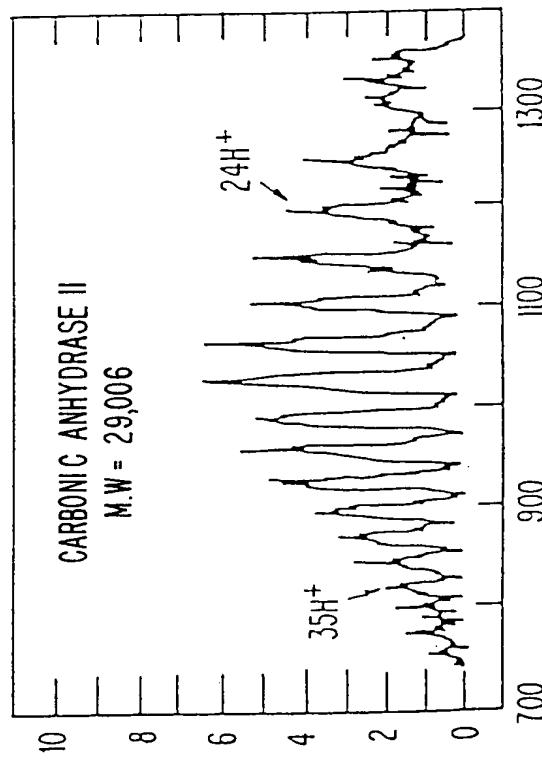
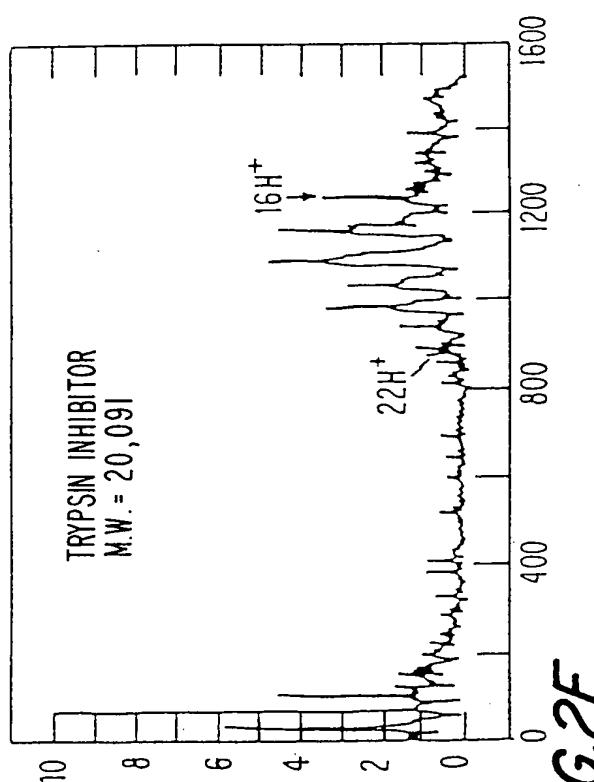
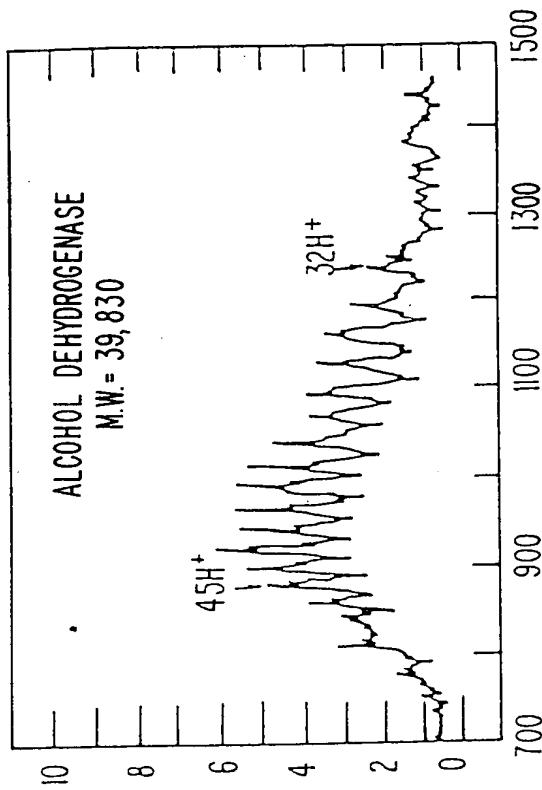
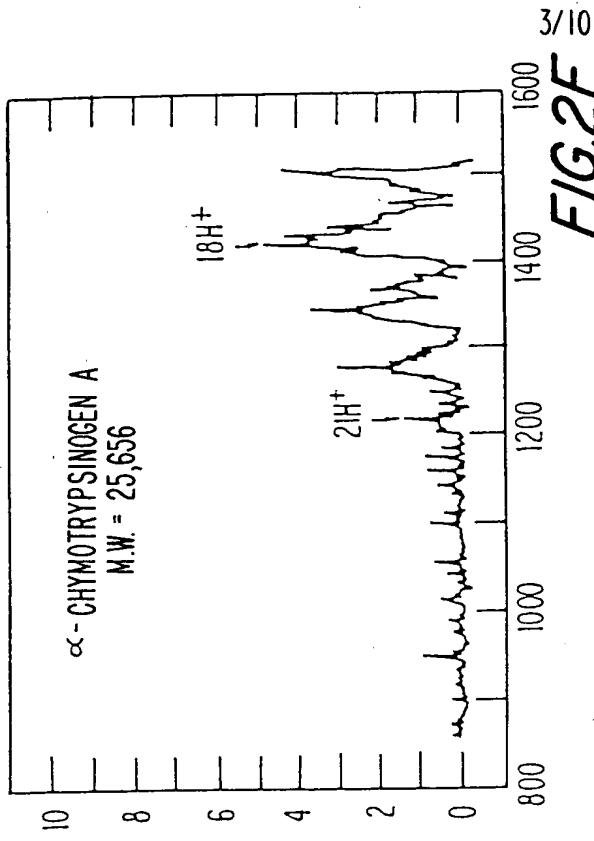


FIG. 2D



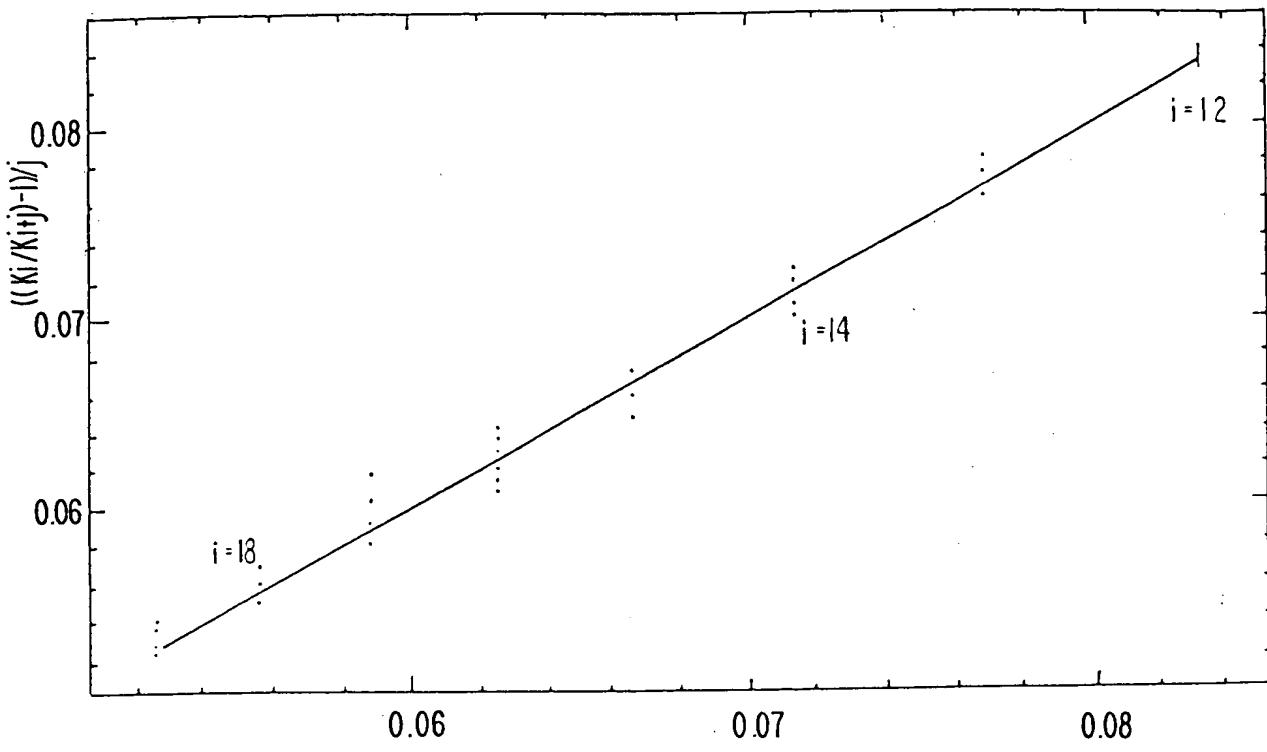
07/19/1940 S



07/5/1965

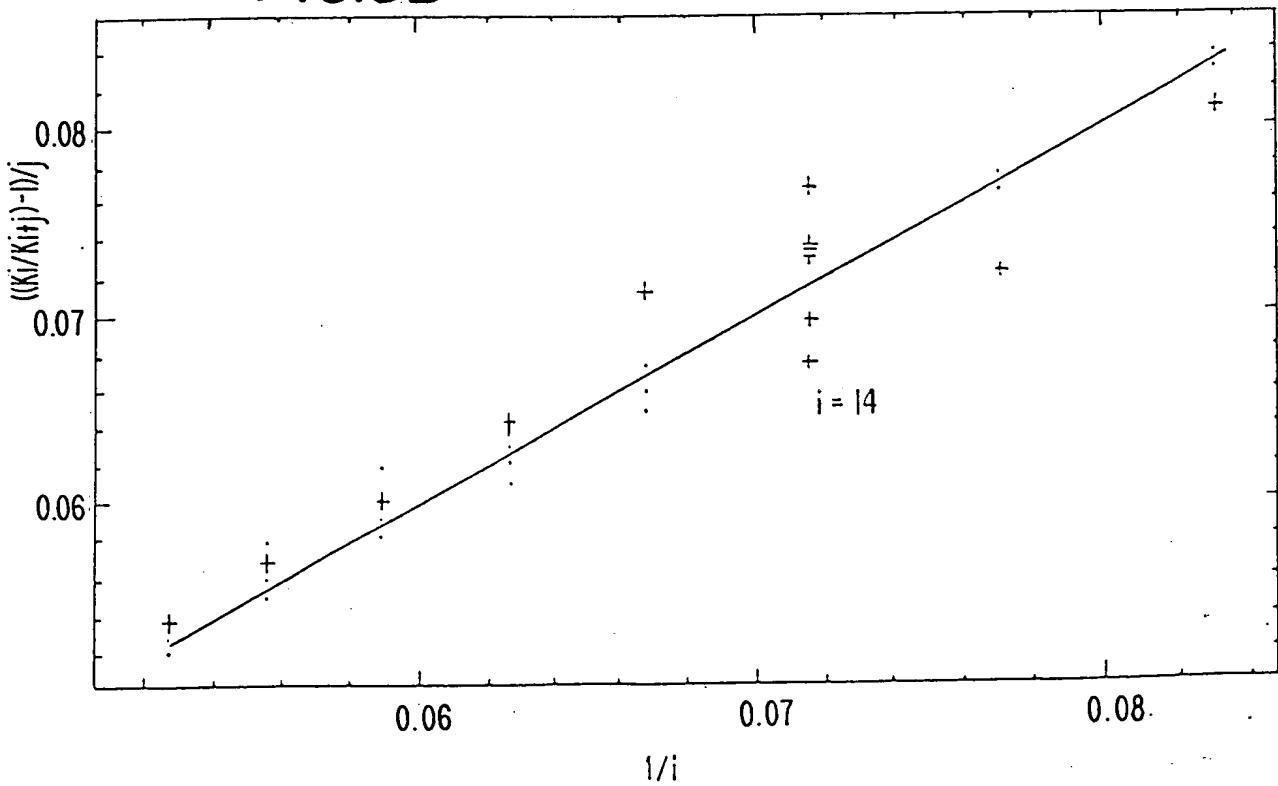
FIG.3A

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FIG.3B



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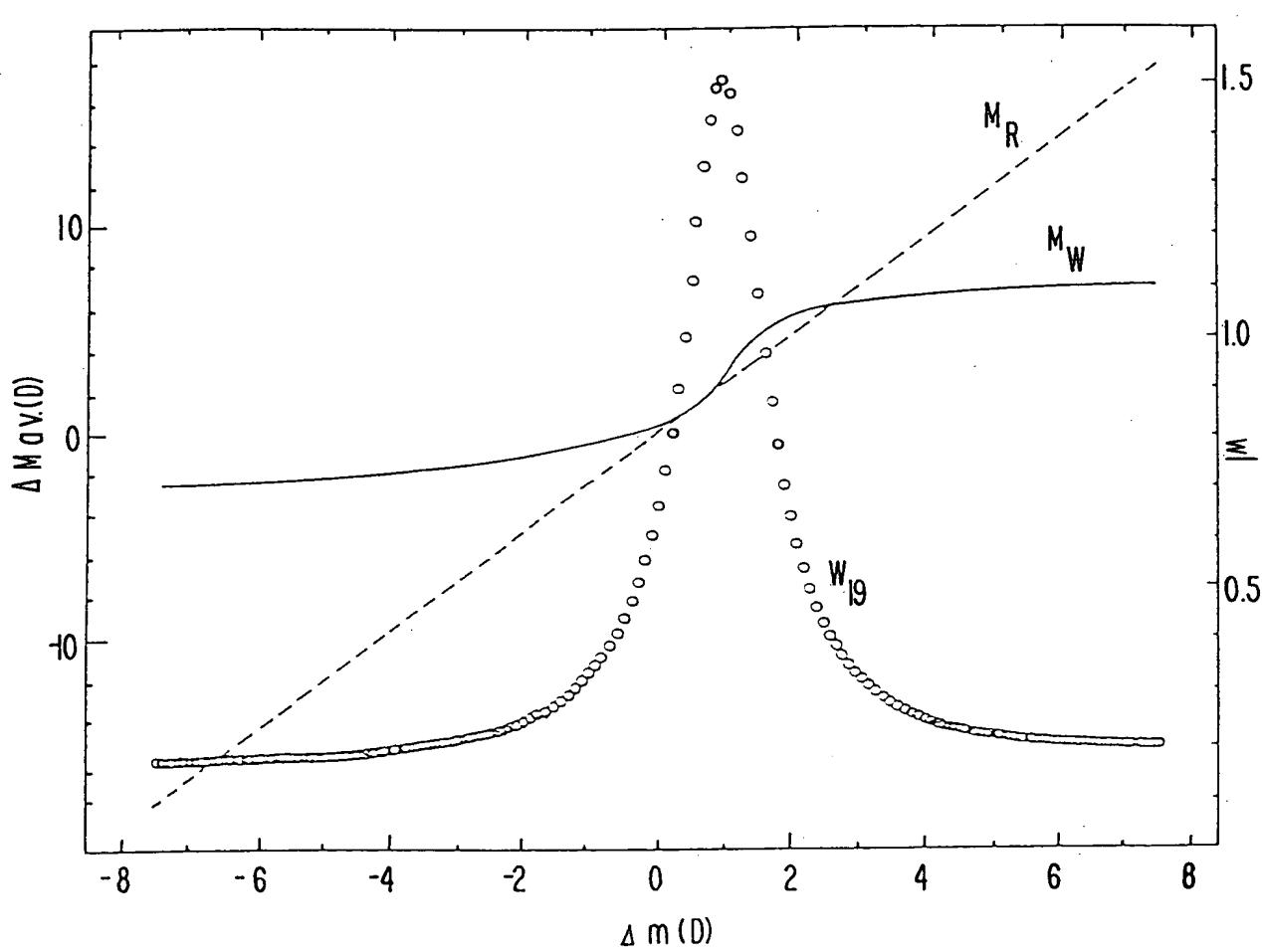


FIG. 4

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FIG.5A

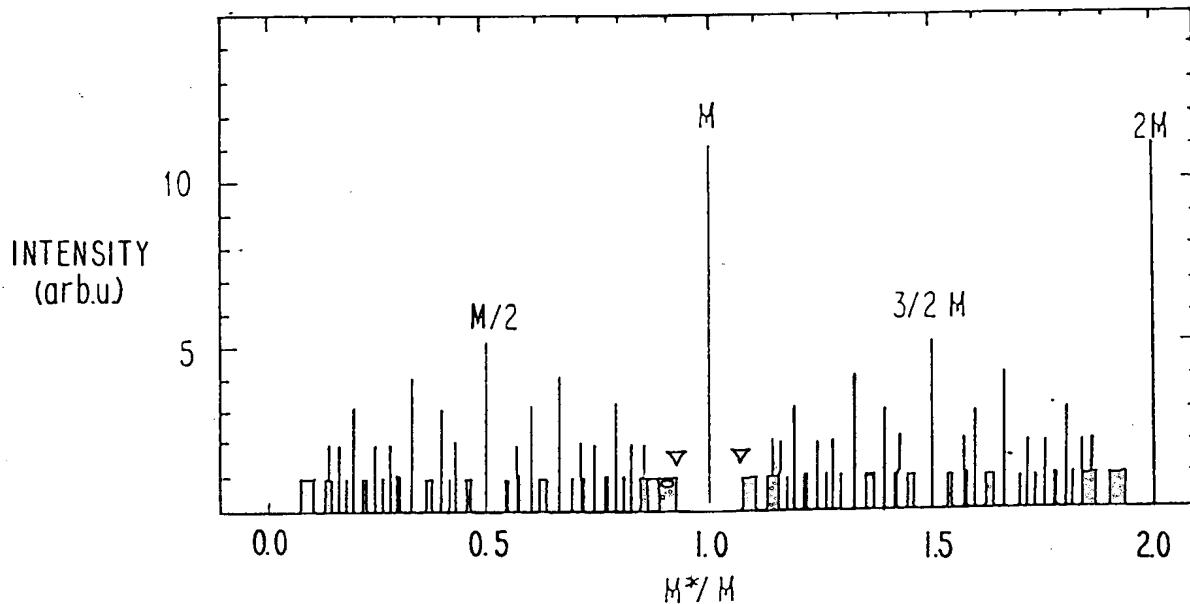
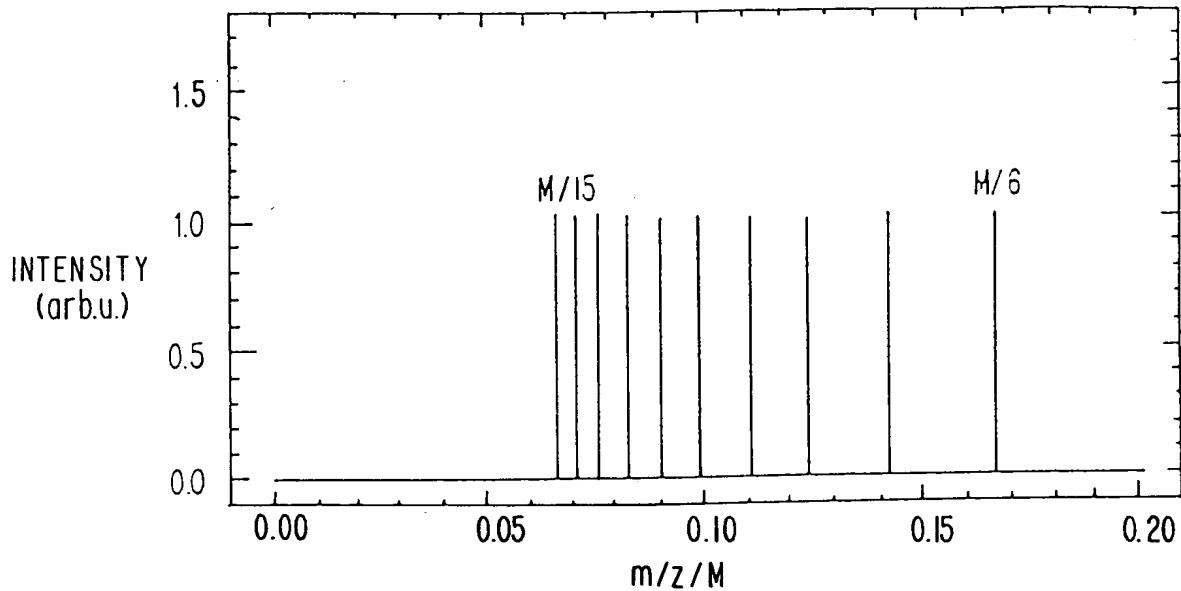


FIG.5B

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FIG.6A

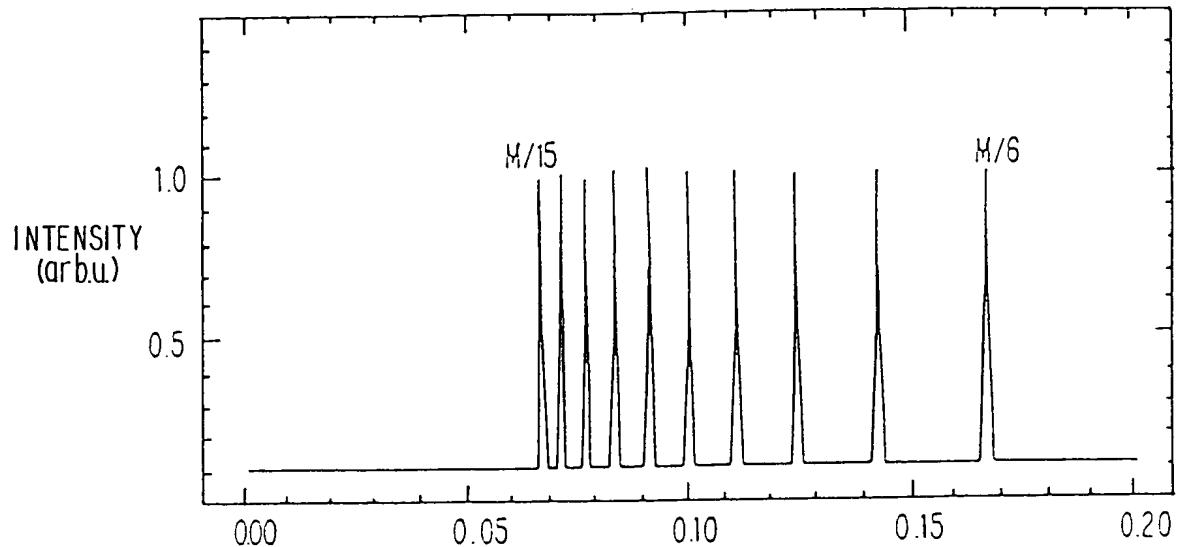
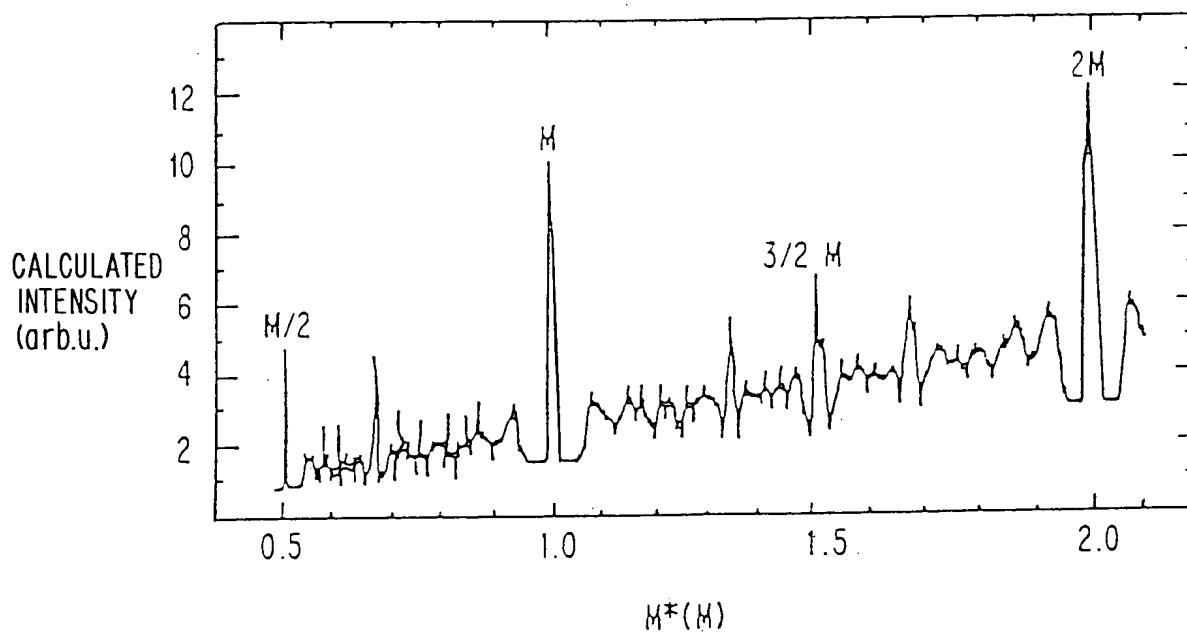


FIG.6B



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FIG. 7A

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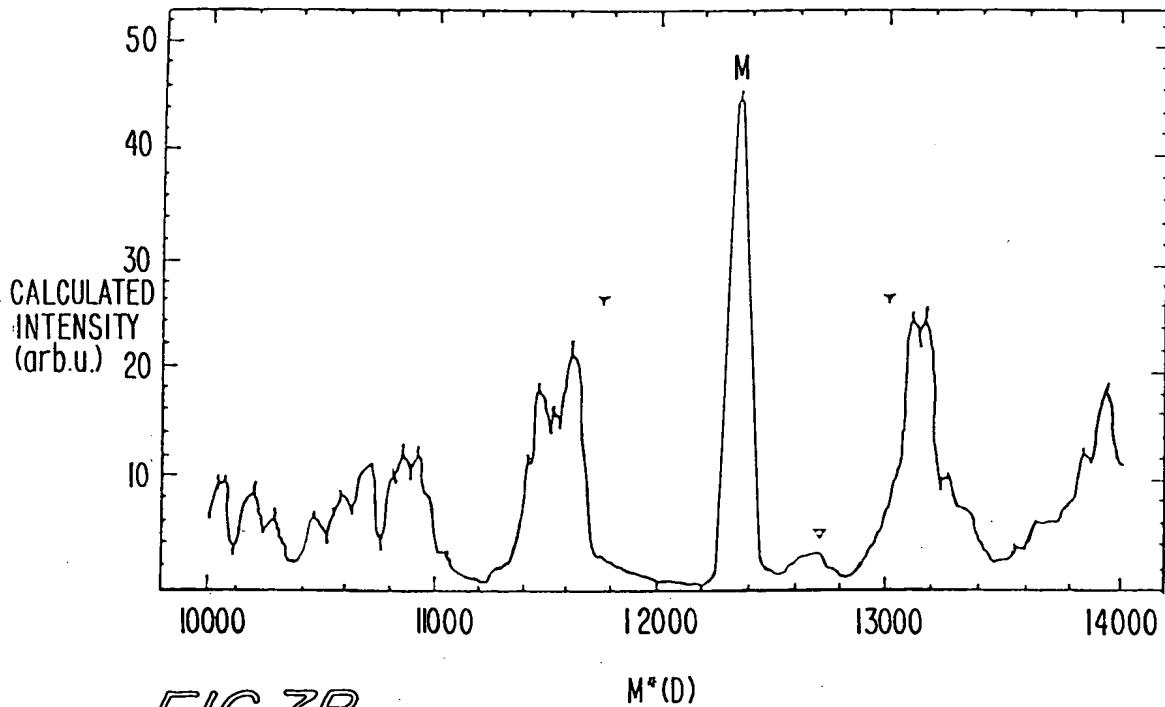
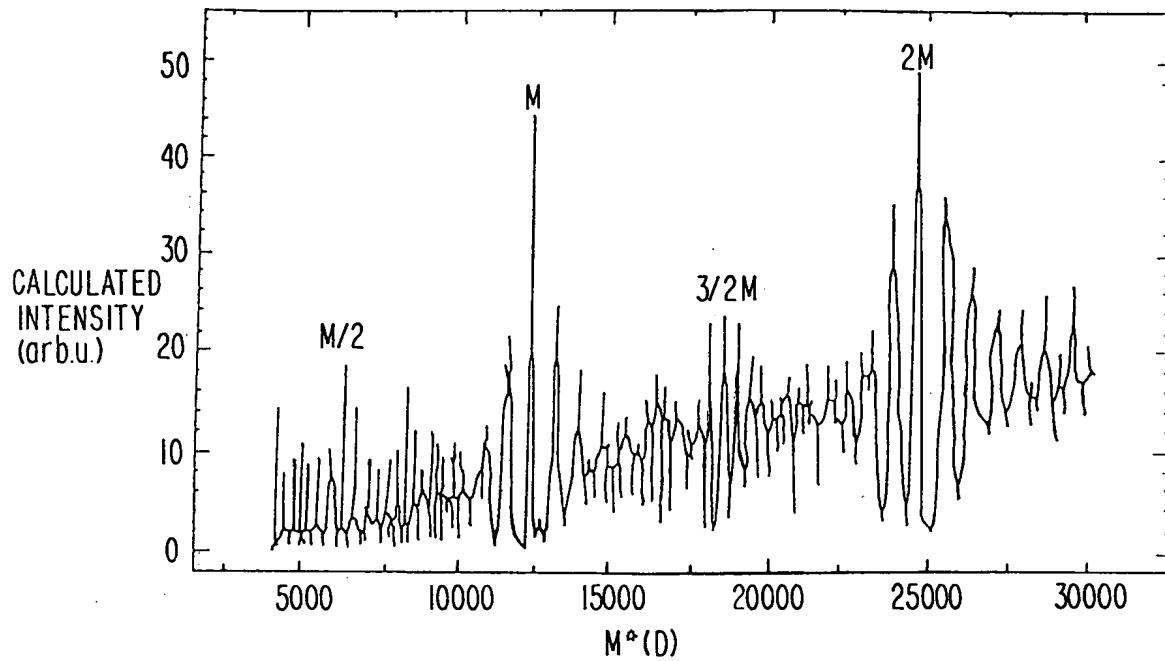


FIG. 7B

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FIG. 8A

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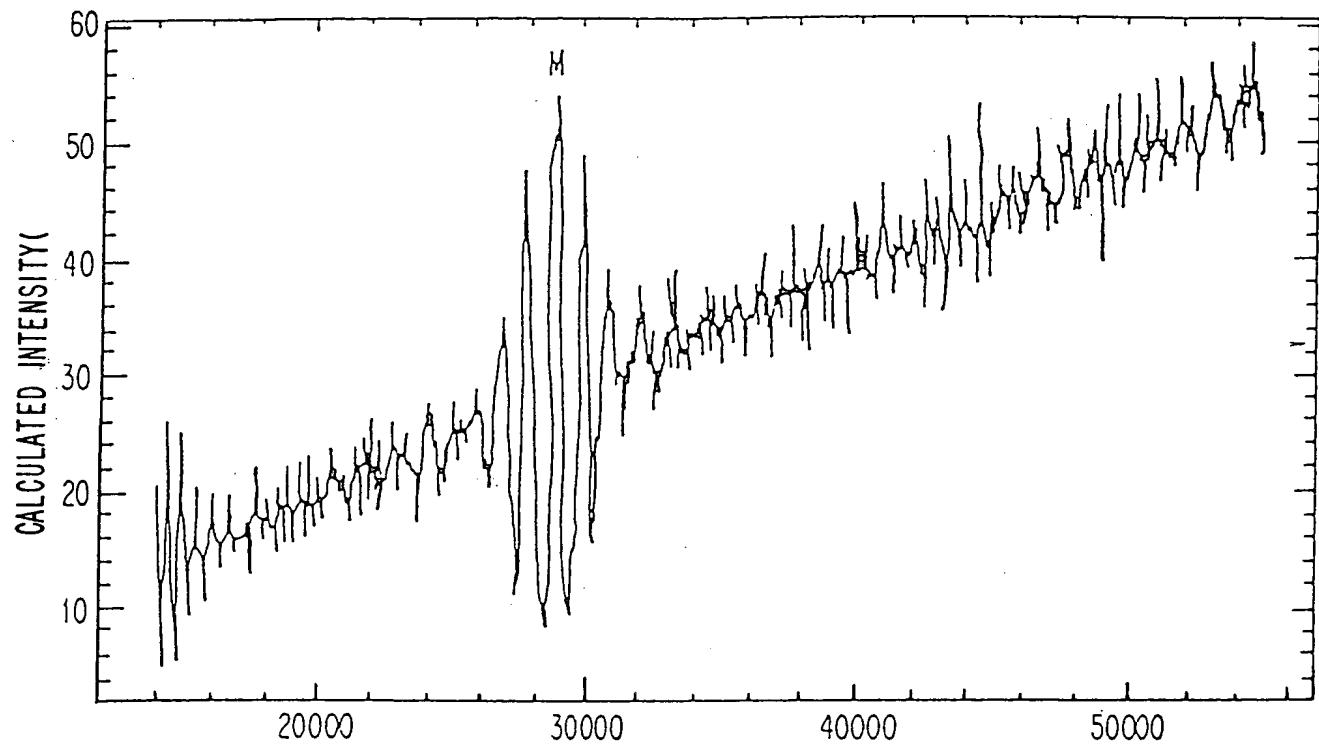
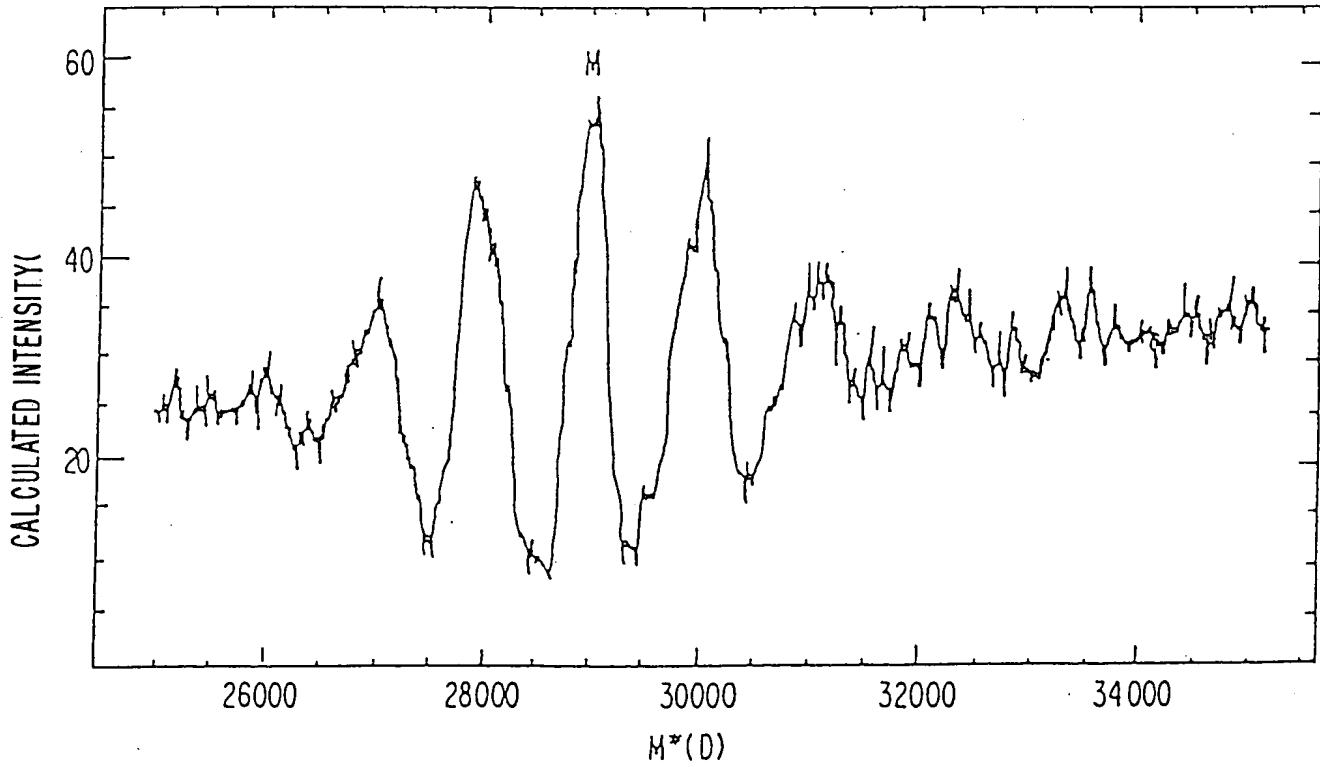


FIG. 8B

$M^*(D)$



07/18/1405

RECORDED	O.G. FIG.
BY	CLASS
WRAUTSMAN	50% CLASS

CYTOCHROME C + MYOGLOBIN

0.5 mg/ml each

In 1:1 MeOH-ACN, H₂O 100 ppm TFA

8 μ l/min 30 sec single scan

FIG. 9A

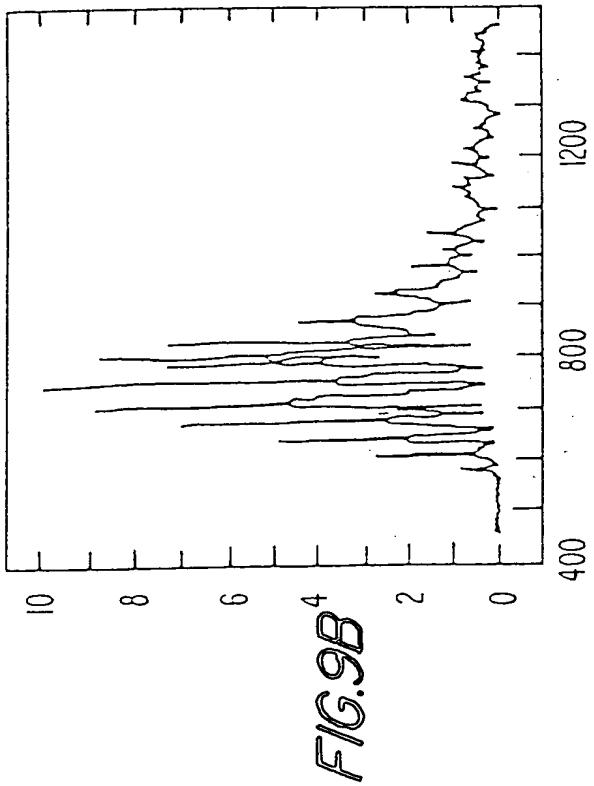


FIG. 9D

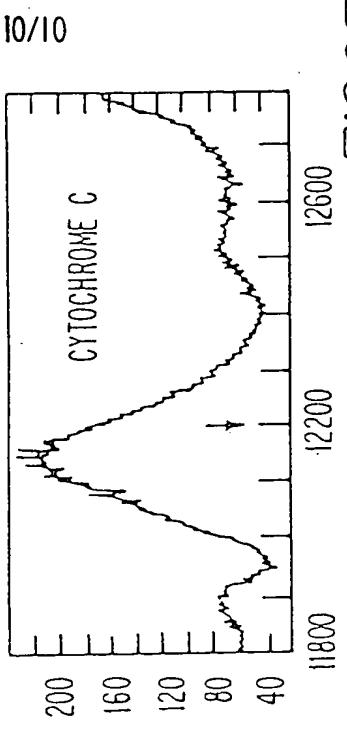


FIG. 9E

